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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/759,806

01/12/2001

David R. Shafer

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08/18/2004

MELVIN C. GARNER
DARBY & DARBY P.C.
805 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

RAIZEN, DEBORAH A

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/759,806

Applicant(s)

SHAFER, DAVID R.

Examiner

Deborah A. Raizen

Art Unit

2873



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: 3-6,8-10,12,13,15-18,20-28,30,32-36 and 39-45.

Claim(s) objected to: 14,29,31,37 and 38.

Claim(s) rejected: 2 and 19.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 0604.
10. ☐ Other: _____


Scott J. Sugarman
Primary Examiner

Continuation of 2. NOTE: The proposed amendment, filed on July 28, 2004, does not place the application in condition for allowance. The amendment merely transports an intended use of the objective from the preamble to its intended use as the only recited element of the optical system. Applicant argues in Remarks that the recited intended use "microlithographic reduction projection catadioptric objective" requires structural limitations that are not found in Freeman (WO 94/06047). However, each of the structural limitations argued by Applicant raises new issues that would require further consideration as to whether the limitation is in fact required by the recited use, and, furthermore, whether the limitation is not met by Freeman. For example, Applicant argues that the intended use "reduction" requires the structural limitation "the geometric properties of the claimed apparatus differ substantially". However, any optical system that has magnification also has reduction when used in reverse, so that the Freeman optical system can perform the recited function. For further examples, Applicant argues that "a microlithographic reduction projection catadioptric objective" always images a reticle to a wafer at a definite distance, which is "typically on the order of magnitude of 1 m". Each of these limitations necessitates consideration of whether it is truly required by the intended use. The limitation "typically on the order of magnitude of 1 m" also necessitates consideration as to whether it is impossible to use the Freeman optical system at this distance.

The proposed amendment also does not place the application in condition for allowance because claim 31 is still a duplicate of claim 28. Applicant argues that the Examiner's objection to claim 31 is in error because claim 31 depends from claim 6 rather than from claim 2. However, as explained on page 3 of the Office Action of March 29, 2004, claim 31 is a duplicate of claim 28, which also depends on claim 6.